

## **MINUTES**

### **MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By **CHAIRMAN MIKE SPRAGUE**, on March 18, 1999 at 3:15 P.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Mike Sprague, Chairman (R)  
Sen. Ken Miller, Vice Chairman (R)  
Sen. John C. Bohlinger (R)  
Sen. Chris Christiaens (D)  
Sen. Dorothy Eck (D)  
Sen. Bill Glaser (R)  
Sen. Duane Grimes (R)  
Sen. Don Hargrove (R)  
Sen. J.D. Lynch (D)  
Sen. Dale Mahlum (R)  
Sen. Jon Tester (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Jodi Pauley, Committee Secretary  
Mary Vandebosch, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 336, 3/11/1999; HB 443,  
3/11/1999; HB 614, 3/11/1999;  
HJR 29, 3/11/1999  
Executive Action: HB 336; HB 443; HJR 29; HB 91;  
HB 205; HB 353; HB 300

#### **HEARING ON HB 336**

**Sponsor:** REP. KIM GILLAN, HD 11, Billings

**Proponents:**

**Jani McCall, City of Billings**

**Alec Hansen, MT League of Cities and Towns**

**Bill Leary, Helena Property Owners Assoc.**

**Opponents:**

**Andy Skinner, Self**

**Opening Statement by Sponsor:**

**REP. KIM GILLAN, HD 11, Billings,** said this is a clarification of how funds from street maintenance districts can be used. Street maintenance districts have been in Montana since 1897. She read page 1, line 21 and 22. Page 2, lines 24 and 25 deals with some improvements and page 3 was amended to clarify the methods of assessment. She said this bill addresses all communities that are growing and faced with maintenance of road systems, etc.

**Proponents' Testimony:**

**Jani McCall, City of Billings,** turned in a letter from Kurt Corey, Director of Public Works, City of Billings.

**EXHIBIT (los61a01)**

**Alec Hansen, MT League of Cities and Towns,** said this is defining street maintenance and bringing it up to standard on what is going on in the city streets right now. Cities are better able to tie the benefits of the cost of service more directly to those property owners that benefit if it is defined in the statutes. He gave an example of the trees that surround the University of Montana in Missoula. In the autumn all of the leaves fall off and the City of Missoula picks up those leaves with money from the General Fund. People were complaining that didn't have any trees that they should not have to pay for these services. So they put together a maintenance district so that the people who had trees pay and the ones who don't pay nothing.

**Bill Leary, Helena Property Owners Assoc.,** said they have some concerns with this bill, but would like to have it for two years and see if it will work in the cities and towns. He said the problem with street maintenance in Helena is a lot of the property is government property. To make it fair the State of Montana should have to pay 50 percent for street maintenance. Other towns in the State do not have this problem. They have some concerns over the proper financing of street maintenance.

**Opponents' Testimony:**

**Andy Skinner, Self**, said several years ago the voters passed I-105 which limited the cities ability to tax. Instead of taking street maintenance out of the General Fund they took it out of the street maintenance district and kept assessing more fees. Some people in Helena pay 35 percent of their tax bill in fees. He addressed page 1, line 21 and said this is a General Fund cost. He said page 2, line 19 discusses improvements. He said the city could go out and do new sections of town and be charged a fee against a new subdivision. He said they shouldn't be moving General Fund money away from these and replacing them with fees.

**{Tape : 1; Side : A; Approx. Time Counter : 3:35 p.m.}**

**Questions from Committee Members and Responses:**

**SEN. DALE MAHLUM** asked on page 1, line 19 it talks about maintenance and one of the most expensive things is putting up traffic lights etc. and what account is now being used to allocate funds for repair. **Alec Hansen** said the money for traffic signals comes out of the General Fund.

**CHAIRMAN MIKE SPRAGUE** asked if the city got everything they wanted in this bill. **Jani McCall** said no they did some compromising.

**SEN. JOHN BOHLINGER** read section 2, page 2 and there is some concern with I-105. He asked who is making the decisions to improve and maintain streets. **Alec Hansen** said there are many ways it is being done in each city. Each city in this state receives a portion of the gasoline taxes and they also get a share of the urban systems fund and they use General Fund revenues and maintenance district funds. The whole idea of street maintenance districts is they pay for what they get. Some districts have more maintenance with more traffic, sweeping, etc. and the assessments are generally higher in those areas and lower in the outlying areas. These decisions are made by city council and usually the decision has ultimately come from the property owners and the voters who want to see their streets improved, etc.

**SEN. BOHLINGER** asked if the people in these districts are the ones who will provide the money necessary for what they want done in the district. **Alec Hansen** said that is correct. This law was made a long time ago and needs to be updated. He said one of the advantages of a maintenance district is the State of Montana and schools have to pay.

**SEN. DON HARGROVE** asked if there was a sunset on this bill. **REP. GILLAN** said no.

**CHAIRMAN SPRAGUE** said there is a concern that they are expanding traffic lights and systems. He asked if this bill was initiated by local task forces to solve local problems. **REP. GILLAN** said in Billings they have five or six neighborhood task forces. They work on getting additional traffic signaling, stop signs, etc. The pressure to do this doesn't come from the city council, but from citizens in the neighborhood.

**Closing by Sponsor:**

**REP. GILLAN** said this bill is not going to increase taxes.

*{Tape : 1; Side : A; Approx. Time Counter : 3:46 p.m.}*

**HEARING ON HB 443**

**Sponsor:** **REP. SYLVIA BOOKOUT-REINICKE, HD 71, Alberton**

**Proponents:**

**Gordon Hendrick, Mayor of Superior**  
**Alec Hansen, MT League of Cities and Towns**

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. SYLVIA BOOKOUT-REINICKE, HD 71, Alberton**, passed out a worksheet on **HB 443**. **EXHIBIT(10561a02)** She said this will change a bonding vote to a simple majority.

**Proponents' Testimony:**

**Gordon Hendrick, Mayor of Superior**, said they were trying to purchase a water company from Mountain Water. He said 500 people were laid off when the mill shut down and they lost a lot of voters. These people are still on the roles even though they have left and they didn't vote. He said by not voting it counts as a no vote. They have a lot of transient people moving through their community. He said they began cleaning up the voter registration lists and many people were deceased. He said in the process of trying to buy this water company it was to the voter's benefit and theirs to make sure that the registry was accurate.

*{Tape : 1; Side : A; Approx. Time Counter : 3:55 p.m.}*

**Alec Hansen, MT League of Cities and Towns**, said the percentage of voter turnout in the statutes doesn't work as well as it should. He said it gives people the opportunity to vote no by staying at home. He said it is very difficult to get issues passed when these percentages have to be met.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. J.D. LYNCH** said doesn't voter records have to be brought up to date after every presidential election. **Gordon Hendrick** said yes they are supposed to do that, but it doesn't always happen. He said they have to send a letter to the registered person and if after so long they don't respond then they go on the inactive file. Then they have to send a registered letter to make sure they can be taken off the voter list.

**SEN. LYNCH** asked if everybody had to do that. He said in Butte if they don't vote they are off the list. **Gordon Hendrick** said if their name is on the inactive list and a person shows up to vote all they have to do is sign a piece of paper to vote again.

**SEN. HARGROVE** said they often hear how government is run by those that show up. **Alec Hansen** said this is a good issue, but in Superior this is a problem and he believes the voters will turn out. He said he would hate to see the idea that people can vote no by staying home.

**SEN. JON TESTER** said when he was on the school board they had to go out and inform the community on what they were going to do and encourage them to vote. This bill will eliminate a lot of that. **Alec Hansen** said maybe there would be issues in which a small percentage of the people would pass it, but not very often. The way to be involved is to go to the polls and vote.

**SEN. TESTER** asked if they are doing this for all the towns and cities in Montana. **Alec Hansen** said the purpose of this bill is to make sure that a good project does not get side tracked because of an artificial number.

**SEN. DOROTHY ECK** asked if this was only for General Obligation bonds. **Alec Hansen** said that is correct.

**CHAIRMAN SPRAGUE** said people are voting no by not showing up and most don't realize that. **Alec Hansen** said when they get into some of these percentage requirements they can be very high.

**SEN. BOHLINGER** said this is making it easier to qualify a bond issue and would this bring more voter turnout if they lower the standards. **Alec Hansen** said if people know they have to vote they will show up.

**Closing by Sponsor:**

**REP. BOOKOUT-REINEKE** said this is for General Obligation bonds. She said their rural hospital struggles very much, and their water bill is over \$2500 per month. She said it is very important to their community that they get this water company. She said voter turnout in Mineral County is about 40 percent.

*{Tape : 1; Side : B; Approx. Time Counter : 4:10 p.m.}*

**HEARING ON HJR 29**

**Sponsor:** **REP. BEVERLY BARNHART, HD 29, Bozeman**

**Proponents:**

**Jane Jelinski, Montana Assoc. of Counties**

**REP. TONI HAGENER, HD 90, Havre**

**Janet Kelly, Custer County Commissioner**

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. BEVERLY BARNHART, HD 29, Bozeman,** said this is a study for Title 7 as it is very confusing and hard to understand. She read 7-32-2124 to the committee.

**Proponents' Testimony:**

**Jane Jelinski, Montana Assoc. of Counties,** said they support HJR 29.

**REP. TONI HAGENER, HD 90, Havre,** said she has been a county commissioner and it is very difficult to find the information that is needed.

**Janet Kelly, Custer County Commissioner,** rose in support of HJR 29.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:** None

Closing by Sponsor:

REP. BARNHART closed on HJR 29.

*{Tape : 1; Side : B; Approx. Time Counter : 4:15 p.m.}*

EXECUTIVE ACTION ON HJR 29

Motion/Vote: SEN. CHRISTIAENS moved HJR 29 BE CONCURRED IN.  
Motion carried 6-0.

EXECUTIVE ACTION ON HB 443

Motion/Vote: SEN. MAHLUM moved HB 443 BE CONCURRED IN. Motion  
carried 7-1 with Hargrove voting no.

EXECUTIVE ACTION ON HB 336

Motion/Vote: SEN. LYNCH moved HB 336 BE CONCURRED IN. Motion  
carried 7-1 with Hargrove voting no.

HEARING ON HB 614

Sponsor: REP. DOUG WAGNER, HD 83, Hungry Horse

Proponents:

Ronda Carpenter, MT Housing Providers  
Stuart Doggett, MT Manufactured Housing and RV Assoc.

Opponents: None

Opening Statement by Sponsor:

REP. DOUG WAGNER, HD 83, Hungry Horse, said this bill is providing a method for the disposal of abandoned mobile homes. He said he recently acquired a mobile home park and was thrust into a wide range of problems that he never dreamed of. He said he rented a spot to a man, woman and their four children. They parked the mobile home and lived there for about 2 months and then moved to Troy, MT. He said they unhooked the water and electricity so it could be moved by the first of September. The people couldn't afford to move it and so finally he served them notice, but nothing was done. This is why this bill was born. He said in the House Judiciary committee they struck the entire bill and rewrote a new bill.

*{Tape : 1; Side : B; Approx. Time Counter : 4:22 p.m.}*

**Proponents' Testimony:**

**Ronda Carpenter, MT Housing Providers,** said the current statutes do not address how to deal with a manufactured home when the home owner and the property owner are not the same. She said something has to happen to make the landlord believe that the mobile home is abandoned. After this decision has been reached the landlord has to wait five days to make sure the tenant does not come back to the property. After this the landlord can move that mobile home into safe storage, or a certified letter has to be sent to the tenants' last known address and they have 15 days to notify the landlord if they will pick up that mobile home. If the tenant calls at any time during this period they have 20 days to pick up the mobile home. When this notification is sent out, the county authorities must be contacted as well as the lien holders. The landlord after 15 days can sell it, scrap it out, or contact the county and dispose of it properly. She said page 2, line 30 they would like to amend this. She said almost all county solid waste disposal facilities cannot handle a mobile home and this line should be struck. She said they would also like the word "shall" on page 3, line 3 changed to "may." The proceeds of this mobile home will cover the landlord's expenses and the remaining money must be sent back to the owner of the mobile home. If they can't be found then it goes to the county.

**Stuart Doggett, MT Manufactured Housing and RV Assoc.,** said the time frames are adequate and the process is legal and logical.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. CHRISTIAENS** asked what would be the longest amount of time that this could go on. **Ronda Carpenter** said approximately 49 to 55 days.

**CHAIRMAN SPRAGUE** asked if there is any title consequences with this bill because the owner is not there. **Ronda Carpenter** said that is what **SB 366** takes care of is the authorization for the county to put a condemnation on it.

**SEN. BOHLINGER** asked if they agreed with the proposed amendments, **REP. WAGNER** said if the county has a problem, he is willing to amend it.

**Closing by Sponsor:**

**REP. WAGNER** closed on **HB 614**.



*{Tape : 1; Side : B; Approx. Time Counter : 4:40 p.m.}*

EXECUTIVE ACTION ON HB 91

**Motion:** SEN. CHRISTIAENS moved AMENDMENTS HB009104.amv be adopted. EXHIBIT(1os61a03)

Discussion:

SEN. TESTER explained the amendments. (EXHIBIT 3) He also had a discussion sheet on the amendments. EXHIBIT(1os61a04)

Alec Hansen, MT League of Cities and Towns, discussed the amendments. (EXHIBIT 3) He said the amendment will get away from the cost of the mail ballot election and provide representation to the people that live in the donut area. It will also ensure that these properties are inspected.

SEN. HARGROVE said in Gallatin County the County Commissioners are on the verge of assuming these responsibilities and will there be a conflict with these amendments. Alec Hansen said this applies only to building codes.

SEN. HARGROVE asked if there will be building inspection done by the county. Alec Hansen said if the county wants to do building inspection they could disapprove municipal code enforcement and adopt a code countywide. They could also contract with the city to do partial building code inspection.

*{Tape : 2; Side : A; Approx. Time Counter : 4:49 p.m.}*

SEN. MAHLUM said he is concerned that the county may contract with the city to do building code enforcement outside the donut area which is actually the counties territory. Alec Hansen said that could happen. This bill allows the city to provide services with the approval of the county. If county commissioners don't like what the city is doing they can suspend or disapprove of those building codes.

SEN. ECK asked if there will be no inspections during a specific period of time. Alec Hansen said this has an effective date of October 1.

SEN. ECK said she would like to check with local people to make sure that this is okay.

SEN. GLASER said the amendment basically kills the bill.

**SEN. BOHLINGER** said presently they have people in the donut area who are unhappy with the city. With the amendment the county will be the bad guy and they will have to do the inspection within the entire county. This may not solve this problem.

**SEN. TESTER** said this amendment will give people a say and allows them to go back to their commissioners. **HB 91** mandates an election and most cities don't have the funds to do this. Counties do not want to have complete authority when dealing with building codes.

**SEN. HARGROVE** said there are many people living in the donut area and they should have a vote on this subject matter.

**Vote:** Motion **failed 4-5** on a roll call vote.

**Motion:** **SEN. GLASER** moved **AMENDMENTS HB009103.amv BE ADOPTED.**  
**EXHIBIT**(los61a05)

**Discussion:**

**SEN. GLASER** explained his amendments. (**EXHIBIT 5**)

**SEN. MILLER** said these are good amendments.

**Vote:** Motion **carried 7-0.**

**Motion:** **SEN. MILLER** moved **AMENDMENTS HB009102.amv.**  
**EXHIBIT**(los61a06)

**Discussion:**

**SEN. MILLER** explained his amendments. (**EXHIBIT 6**)

**SEN. GLASER** said this will liberalize the bill and allow cities to have a better chance to get approval from the voters because the super majority vote is not needed.

***{Tape : 2; Side : A; Approx. Time Counter : 5:05 p.m.}***

**SEN. HARGROVE** said if 10 percent of the people show up at an election, 5 percent of the people can control the election and that is not a good idea. He said it gives the minority the hammer.

**SEN. MAHLUM** said if the people in the donut area have a problem they are going to come and vote.

**SEN. MILLER** said currently people don't even have a vote, they are ruled by the city council.

**SEN. HARGROVE** said this is why he didn't support CI-75. He said in their primary election seven percent showed up and therefore three and half percent of the people would be raising taxes for everyone else.

**Vote:** Motion carried 5-2 with Hargrove and Tester voting no.

**Motion:** **SEN. MILLER** moved **AMENDMENTS HB009101.amv BE ADOPTED. EXHIBIT(10s61a07)**

**Discussion:**

**Mary Vandembosch** explained the amendments. (EXHIBIT 7)

**Vote:** Motion carried 7-0.

**Motion/Vote:** **SEN. MAHLUM** moved **HB 91 BE CONCURRED IN AS AMENDED. Motion carried 6-4 on a roll call vote.**

**EXECUTIVE ACTION ON HB 205**

**Motion/Vote:** **SEN. HARGROVE** moved **HB 205 BE CONCURRED IN. Motion carried 7-0.**

**EXECUTIVE ACTION ON HB 300**

**Motion:** **SEN. MILLER** moved that **AMENDMENTS FROM THE MT ASSOC. OF REGISTERED LAND SURVEYORS BE ADOPTED. EXHIBIT(10s61a08)**

**Discussion:**

**Mary Vandembosch** said these amendments will have to be edited, but can be conceptually accepted.

**SEN. MILLER** explained the amendments. (EXHIBIT 8)

**SEN. TESTER** said 60 working days is long enough.

**SEN. BOHLINGER** said this lengthens the process and time is money and he opposes this because it makes housing more costly.

**SEN. HARGROVE** said the bill clears up the confusion over holidays and weekends.

**Vote:** Motion failed 1-5 with **SEN. MILLER** voting yes.

Motion/Vote: SEN. TESTER moved HB 300 BE CONCURRED IN. Motion passed 5-3 with Bohlinger, Glaser, and Miller voting no.

EXECUTIVE ACTION ON HB 353

Motion/Vote: SEN. GLASER moved HB 353 BE CONCURRED IN. Motion carried 7-0.

**ADJOURNMENT**

Adjournment: 5:24 P.M.

---

SEN. MIKE SPRAGUE, Chairman

---

JODI PAULEY, Secretary

MS/JP

**EXHIBIT** (los61aad)